## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

	```````````````````````````````````````	
IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY	)	MDL No. 1:13-md-2419-RWZ
LITIGATION	)	MDL NO. 1:13-ma-2419-RWZ
	)	
THIS DOCUMENT RELATES TO:	)	
	)	
ALL CASES.	)	
	)	

## PLAINTIFFS' STEERING COMMITTEE'S MOTION TO SCHEDULE ORAL ARGUMENT ON CERTAIN MOTIONS FOR STATUS CONFERENCE ON DECEMBER 4, 2014

The Plaintiffs' Steering Committee ("PSC") hereby moves the Court to schedule the following motions for oral argument during the status conference to be held on December 4, 2014 at 11:30 a.m.:<sup>1</sup>

- PSC's Motion to Compel the St. Thomas Entities to Respond to Certain Interrogatories [Doc. 1549].<sup>2</sup>
  - a. PSC's Memorandum in Support [Doc. 1550]
  - b. PSC's Notice of Filing of Declaration [Doc. 1551]
  - c. PSC's Declaration [Doc. 1552]
  - d. PSC's Corrected Declaration [Doc. 1555]
- 2. Encino Outpatient Surgery Center, Inc. Motion to Dismiss for Lack of Jurisdiction and Insufficient Service of Process [1:14-cv-12884, *Luna-Wynstock* Doc. 22].
  - a. Plaintiff's Opposition [Luna-Wynstock Doc. 30]

<sup>&</sup>lt;sup>1</sup> The Court has already scheduled PSC's Motion to Compel Production of Insurance Agreements for oral argument at a status conference before the Hon. Jennifer C. Boal, United State Magistrate Judge, on December 4, 2014 at 11:30 a.m. See Doc. 1468 (PSC's Motion to Compel Production of Insurance Agreements), Doc. 1469 (PSC's Memorandum in Support), Doc. 1470 (PSC's Declaration), Doc. 1494 (St. Thomas Entities' Response in Opposition), and Doc. 1506 (setting matter for oral argument).

<sup>&</sup>lt;sup>2</sup> The St. Thomas Entities' Memorandum in Opposition is scheduled to be filed no later than December 3, 2014, and the St. Thomas Entities have objected to this matter being scheduled for oral argument on December 4, 2014.

- b. Encino Reply [Luna-Wynstock Doc. 33]
- 3. Jeffrey B. Glaser, M.D. and Jeffrey B. Glaser, M.D., Medical Corporation d/b/a Glaser Pain Institute's Motion to Dismiss [*Luna-Wynstock* Doc. 27, 28, 29].
  - a. Plaintiff's Opposition [Luna-Wynstock Doc. 34]
- b. Jeffrey B. Glaser, M.D. and Jeffrey B. Glaser, M.D., Medical Corporation d/b/a Glaser Pain Institute's Reply [Luna-Wynstock Doc. 36]
  - c. Plaintiffs' Sur-Reply [Luna-Wynstock Doc. 37]
  - 4. Liberty Industries' Offer of Judgment [Doc. 1394].
    - a. Trustee/OCC Motion to Strike Liberty's Offer of Judgment [Doc. 1402]
- b. Liberty Opposition to Trustee/OCC Motion to Strike Liberty's Offer of
   Judgment [Doc. 1448]
- 5. Motion for Summary Judgment by Hahnemann University Hospital, Pain Care Professionals-Pain Center at Hahnemann, Tenent Healthsystem Hahnemann, LLC [1:14-cv-10434, *King* Doc. 16].
- a. Plaintiff's Response in Opposition to Motion for Summary Judgment

  [King Doc. 21]
- b. Letter/request (non-motion) from Plaintiff Norma King for extension of time to secure new counsel [King Doc. 26]

WHEREFORE, the Plaintiffs' Steering Committee hereby moves the Court to enter the attached Order.

Dated: November 25, 2014 RESPECTFULLY SUBMITTED,

## /s/ Patrick T. Fennell

Patrick T. Fennell CRANDALL & KATT 366 Elm Avenue, S.W. Roanoke, VA 24016 Telephone: 540/342-2000

Facsimile: 540/400-0616 pfennell@crandalllaw.com

Plaintiffs' Steering Committee

Thomas M. Sobol Kristen Johnson Edward Notargiacomo HAGENS BERMAN SOBOL SHAPIRO, LLP 55 Cambridge Parkway, Suite 301 Cambridge, MA 02142

Telephone: 617/482-3700 Facsimile: 617/482-3003 tom@hbsslaw.com kristenjp@hbsslaw.com

## Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29<sup>th</sup> Floor
San Francisco, CA 94111
Telephone: 415/956-1000
Facsimile: 415/956-1008
ecabraser@lchb.com

Federal/State Liaison

mchalos@lchb.com

Marc E. Lipton LIPTON LAW 18930 W. 10 Mile Road Southfield, MI 48075 Telephone: 248/557-1688 Facsimile: 248/557-6344 marc@liptonlaw.com

Kimberly A. Dougherty JANET, JENNER & SUGGS, LLC 31 St. James Avenue, Suite 365 Boston, MA 02116 Telephone: 617/933-1265 kdougherty@myadvocates.com

Mark Zamora
ZAMORA FIRM
5 Concourse Parkway, # 2600
Atlanta, GA 30328
Telephone: 404/451-7781
Facsimile: 404/506-9223
mark@markzamora.com

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSTETTER, STRANCH &
JENNINGS, PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: 615/254-8801
Facsimile: 615/255-5419
gerards@branstetterlaw.com

Plaintiffs' Steering Committee

**CERTIFICATE OF SERVICE** 

I, Patrick T. Fennell, hereby certify that I caused a copy of the above Plaintiffs' Steering

Committee's Motion to Schedule Oral Argument on Certain Motions for Status Conference on

December 4, 2014, to be filed electronically via the Court's electronic filing system. Those

attorneys who are registered with the Court's electronic filing system may access this filing

through the Court's system, and notice of this filing will be sent to those parties by operation of

the Court's CM/ECF system.

Dated: November 25, 2014

/s/Patrick T. Fennell

Patrick T. Fennell, VSB 40393